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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,047	12/04/2001	Tsan-Kuen Wu	P/727-66	9538
2352	7590	10/08/2003	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			BARROW, JAMES G	
		ART UNIT	PAPER NUMBER	
		3749		
DATE MAILED: 10/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)
	10/005,047	WU, TSAN-KUEN
	Examiner James G. Barrow	Art Unit 3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 December 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-4 and 6-8 is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to because in figure 3, disclosed on lines 15-16 of page 3 as "a right-side view of the preferred embodiment", does not include 270 shown in figures 1 and 2, and "two wheel members 7", on line 1 of page 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In figure 4 "support member unit 3" (P: 7, L: 34-25), "second support members ... 32" (P: 7, L: 27), "horizontal bars ... 321" (P: 8, L: 1), "upright posts 312, 322, 313, 323" (P: 8, L: 2-3), "second pin projection 36 projects upwardly" (P: 8, L: 5), "cook unit 2" (P: 8, L: 13), "second positioning grooves 26, 26'" (P: 8, L: 20-21), and "positioning hole 24 and the notch 252" (P: 8, L: 23-24) are missing. In figures 4 and 5, "horizontal bars ... 321" (P: 9, L: 1) and "hook projections 521" (P: 9, L: 4) are missing. In figure 6 "top cover 23" (P: 9, L: 9) and "cooking base 21" are missing. In figure 7 "second connecting rod 33" (P: 10, L: 9-10) "retaining block 54" (P: 10, L: 10), and "receiving space 31" (P: 10, L: 31) are missing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities: In line 25 of page 4 "bar" should be –bars-.

Appropriate correction is required.

***Claim Objections***

Claim 5 is objected to because of the following informalities: In line 26 of page 14 "said support unit" should be –said second support unit-. Appropriate correction is required.

***Allowable Subject Matter***

Claims 1-4 and 6-8 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu (D465, 691) discloses the design patent of the present invention. Wu (2003/0106546) and Wu (D460, 658) disclose the pre-grant publication and the design patent of a barbecue grill having a removable cook unit that fits underneath and into a U-shaped supports, but does not have a retaining frame that pivots about a connecting rod between the U-shaped supports. R.S. Linstead (3,386,430), Chiu (6,205,912), and Ward et al (6,439,221) disclose collapsible barbecue grills having wheels. Baynes et al (5,050,577), Skidmore et al (5,832,915), DeMars (6,606,987), and DeMars (2002/0069866) disclose barbecues having cook units that fit underneath the support.

This application is in condition for allowance except for the following formal matters:

Formal objections are made to the drawings, specification, and claim 5.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Barrow whose telephone number is (703) 305-5427. The examiner can normally be reached on M-F, 9:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

*James Barrow*  
James Barrow

*Henry Bennett*  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700